

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James Wayne Frye,

Plaintiff,

Civ. No. 05-1327 (JNE/JJG)
ORDER

v.

Minnesota Department of Corrections, et al.,

Defendants.

In a Report and Recommendation dated June 13, 2006, the Honorable Jeanne J. Graham, United States Magistrate Judge, recommended that Plaintiff's motion for a preliminary injunction be denied, that defendant Gregory Lucas-Silvis' motion to dismiss be granted, that Plaintiff's claim against Lucas-Silvis be dismissed with prejudice, and that Lucas-Silvis' motion to amend be denied as moot. Plaintiff objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Plaintiff's motion for a preliminary injunction [Docket No. 113] is DENIED.
2. Lucas-Silvis' motion to dismiss [Docket No. 141] is GRANTED.
3. Plaintiff's claim against Lucas-Silvis is DISMISSED WITH PREJUDICE.
4. Lucas-Silvis' motion to amend [Docket No. 178] is DENIED AS MOOT.

Dated: August 29, 2006

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge